

2020 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: SOUTH KOREA

Office of International Religious Freedom

Executive Summary

The constitution provides for religious freedom and prohibits discrimination based on religion. The Alternative Service Act, which provides for alternative options for conscientious objectors to mandatory military service, took effect January 1, with applications beginning on June 30 and actual service in October. Jehovah's Witnesses said the new law was an improvement over the previous system but noted the disparity between the length of alternative service (three years) and military service (two years or less). As of year's end, the government had approved 224 applications for alternative service. Four Jehovah's Witness conscientious objectors, however, were imprisoned during the year based on court determinations that they did not demonstrate sincere beliefs. As of November, trials were ongoing for 192 conscientious objectors charged with refusing to serve in the military or to participate in reserve forces training before the new law for alternative service took effect. In August, a Presbyterian pastor called on his followers to participate in a mass rally in downtown Seoul despite government-imposed self-isolation orders on church members following a cluster outbreak of COVID-19 among the congregation. After the rally, which the Korea Disease Control and Prevention Agency (KDCA) linked to a large spike in COVID-19 cases, President Moon Jae-in said the freedoms of religion and assembly could not be protected if they endangered public safety and health. Eighteen Protestant groups filed suit against the Seoul Metropolitan Government's limitations on in-person worship instituted as part of its response to the COVID-19 pandemic, saying the restrictions violated their freedom of religion. The court dismissed the complaint, determining that the restrictions were necessary to protect public health. In March, the government stated the Shincheonji Church of Jesus (Shincheonji Church) had hindered its efforts to contain the spread of COVID-19 in February by failing to provide complete and accurate lists of members and the locations of Church facilities, and it launched a criminal investigation into the Church and its leader, who was arrested in August and subsequently released on bail. Health authorities determined a single individual in that church had infected fellow congregants, which spread the COVID-19 virus to nearly 600 people by late February and to approximately 5,200 others through October. The

Korean Falun Dafa Association said a public performance venue in Gangwon Province blocked a Falun Gong-affiliated performance, citing COVID-19 as the reason for the cancellation. The association stated it believed the cancellation resulted from pressure from the Chinese government.

Adherents of the Shincheonji Church said they experienced stigmatization and discrimination after being blamed for causing a major outbreak of COVID-19 in Daegu in February. After six Uzbek migrants who attended an outdoor Eid al-Adha celebration in July in North Chungcheong Province tested positive for COVID-19, some individuals on social media harshly criticized the worshippers, and Muslims in general. Some Christians reported discomfort in expressing their faith publicly after a large outbreak of COVID-19 began in a church community in Seoul in August.

U.S. embassy officers engaged with government officials on issues related to religious freedom, including the religious freedom of Shincheonji Church members. Embassy officials discussed religious freedom issues and underscored the U.S. commitment to religious freedom with Buddhist, Protestant, Catholic, Jehovah's Witnesses, Muslim, Jewish, Falun Dafa, and other communities. The embassy used social media to highlight U.S. support for religious freedom in the country.

Section I. Religious Demography

The U.S. government estimates the total population at 51.8 million (midyear 2020 estimate). According to a 2015 census conducted by the Korea Statistical Information Service, of the 44 percent of the population espousing a religion, 45 percent are Protestant, 35 percent Buddhist, 18 percent Roman Catholic, and 2 percent "other" (including Won Buddhism, Confucianism, Jeongsando, Cheondogyo, Daejonggyo, Daesun Jinrihoe, and Islam). The census counted members of the Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints, the Seventh-day Adventist Church, and the Family Federation for World Peace and Unification (Unification Church) as Protestants. According to the only rabbi in the country, there is a small Jewish population of approximately 1,000, almost all expatriates. The Korean Muslim Federation estimates the Muslim population at 150,000, of which approximately 100,000 are migrant workers and expatriates, mainly from Bangladesh, Indonesia, and Pakistan.

Section II. Status of Government Respect for Religious Freedom

LEGAL FRAMEWORK

The constitution states that all citizens have freedom of religion and that there shall be no discrimination in political, economic, social, or cultural life on the basis of religion. Freedoms provided for in the constitution may be restricted by law only when necessary for national security, law and order, or public welfare, but restrictions may not violate the “essential aspect” of the freedoms. The constitution mandates separation of religion and state.

According to regulation, a religious group that has property valued at over 300 million won (\$276,000) may become a government-recognized religious organization by making public its internal regulations defining the group’s purpose and activities, meeting minutes of the group’s first gathering, and a list of executives and employees.

To obtain tax benefits, including exemption from acquisition or registration taxes when purchasing or selling property to be used for religious purposes, organizations must submit to their local government their registration as a religious and nonprofit corporate body, an application for local tax exemption, and a contract showing the acquisition or sale of property. All clergy are taxed on earned yearly income, but clergy are exempt from taxation on education, food, transportation, and childcare expenses. Individual laypersons are eligible for income tax benefits upon submitting receipts of donations made to religious organizations.

The law requires active military service for virtually all male citizens between the ages of 18 and 40 (in the army for 21 months, the navy for 23 months, or the air force for 24 months), followed by reserve duty training. Under the Alternative Service Act, which took effect January 1, conscientious objectors may fulfill their service requirement by working as government employees for 36 months at correctional facilities. Those who refuse to fulfill military service or alternative service face up to three years’ imprisonment. The law is silent regarding soldiers currently on active duty who wish to switch to alternative service due to conscientious objections.

Following military service (or alternative service for conscientious objectors) there is an eight-year reserve duty obligation involving several reserve duty exercises per year. Conscientious objectors may perform their reserve duties by working in correctional facilities, with an

obligation of four days each year for six years. Failure to perform reserve duties or alternative service carries fines and possible imprisonment. The fines vary depending on jurisdiction but typically average 200,000 won (\$180) for the first conviction. Fines increase by 100,000 to 300,000 won (\$92 to \$280) for each subsequent violation. The law puts a ceiling on fines at two million won (\$1,800) per conviction. Civilian courts have the option, in lieu of levying fines, to sentence individuals deemed to be habitual offenders to prison terms or suspended prison terms that range from one day to three years.

The government does not permit religious instruction in public schools. Private schools and religious schools are free to conduct religious activities. High school students at these schools may opt out of religious instruction, choosing to take ethics or civics courses instead.

The law provides government subsidies for preservation and upkeep of historic cultural properties, including religious sites.

The Ministry of Culture, Sports, and Tourism (MCST) Religious Affairs Division works with the seven members of the nongovernmental organization (NGO) Korea Conference of Religions for Peace – the National Council of Churches in Korea, the Jogye Order of Korean Buddhism, the Catholic Church, Won Buddhism, Confucianism, Cheondogyo, and the Association of Korean Native Religions – on interfaith solidarity and is the primary government contact for religious organizations.

The National Human Rights Commission of Korea (NHRCK) investigates complaints, issues policy recommendations, trains local officials, and conducts public awareness campaigns. The NHRCK may make nonbinding recommendations but does not have authority to implement policies or penalize individuals or agencies that violate human rights.

The country is a party to the International Covenant on Civil and Political Rights.

GOVERNMENT PRACTICES

On January 1, the Alternative Service Act took effect, allowing conscientious objectors to fulfill mandatory military service obligations by working for 36 months at a correctional facility. Prior to passage of the act, which amended the Military Service Act, those who refused military service

faced up to three years' imprisonment. The Commission for Examination of Alternative Service began reviewing applications for alternative service on June 30. According to Jehovah's Witnesses representatives, by year's end the commission had granted 224 applications for alternative service, which commenced in October. Civil society organizations said the new law was a clear improvement over the previous system, but still flawed. Jehovah's Witnesses said the new law departed from international norms in several ways, including the length of alternative service (three years), which they said seemed punitive in comparison to the shorter period of two years or less for individuals performing military service. They also stated oversight of the commission should be fully civilian, rather than under the Ministry of National Defense.

According to Jehovah's Witnesses, as of year's end there were four conscientious objectors in prison, all of whom were imprisoned during the year. In each case, the court determined that the individual was insincere in his beliefs. In one case in May, a Seoul court sentenced a Jehovah's Witness to 18 months' imprisonment after the judge questioned the sincerity of his beliefs when he admitted that he enjoyed a video game in which players kill characters with guns in a virtual world.

As of November, trials were ongoing for 192 conscientious objectors charged with refusing to serve in the military or to participate in reserve forces training before the new law for alternative service took effect in January. These cases included 106 in which prosecutors appealed the "not guilty" verdicts of conscientious objectors whom they asserted were not sincere in their beliefs. As of November, the Commission for Examination of Alternative Service was evaluating those cases.

The NHRCK continued to call for the country to adopt comprehensive antidiscrimination legislation whose protected classes would include religious affiliation, race, gender, and sexual orientation, among others. In June, the opposition minority Justice Party submitted an antidiscrimination bill to parliament. As of year's end, the bill had not been raised for discussion at the committee level. Media reported the National Council of Churches in Korea issued a statement of support for the bill, comparing the proposed antidiscrimination law to Christian doctrine that "proclaims freedom and liberation" for everyone. The statement said, "It is a practice that embodies the value of Christian love and equality in society." Media also reported that the bill stalled in the National Assembly because some influential Christian groups that reject

LGBTI rights opposed the bill. According to media, some Protestants protested at the NHRCK, saying the bill would infringe on their freedom of speech. Prior to the NHRCK announcement, United Christian Churches of Korea issued a press release on June 11 stating calls for antidiscrimination legislation would bring about a “national disaster due to the collapse of sexual ethics” and would work against the ROK’s population issues resulting from its declining birthrate.

Beginning in February, following the outbreak of COVID-19 in the country, the government placed restrictions on the number of persons who could gather together for any purpose, including for religious worship, to minimize exposure to the disease and protect public safety and health. As pandemic conditions fluctuated, the restrictions at times included complete prohibitions on in-person religious services.

Leaders of most religious groups and organizations stated publicly that they accepted restrictions on public gatherings as necessary to protect public safety and health. Domestic and international media widely reported on the government’s success in limiting the spread of COVID-19 in the country, as reflected in public health data. A December Gallup public opinion survey showed that 82 percent of Koreans positively appraised the government’s response to the pandemic.

The NGO Human Rights Without Frontiers stated that during the period from March 22 to April 5, “hundreds” of Protestant churches across the country held religious services in contravention of a government ban on religious, entertainment, and indoor sports activities during that period

On August 15, Reverend Jun Kwang-hoon, a prominent Presbyterian pastor and critic of President Moon, told his followers to participate in a rally in downtown Seoul in contravention of government self-isolation orders imposed on members of the Sarang Jeil Church following a COVID-19 cluster outbreak among the congregation. Jun, leader of the Sarang Jeil congregation, told media the government’s COVID-19 mitigation measures, including isolation requirements, bans on in-person worship, and aggressive contact tracing, were a “fraud” designed to undermine his church. The KDCA linked the church to more than 1,800 COVID-19 cases. Responding to the outbreak, President Moon stated on August 24, “No religious freedom, no freedom of assembly, nor freedom of speech can be claimed, if it is incurring a great deal of damage to the people.”

On August 20, 18 Protestant churches filed suit in the Seoul Administrative Court, demanding that the city government suspend execution of a ban on in-person religious worship, saying it was a violation of the freedom of religion. The court dismissed the complaint, finding that the public health benefit of the ban on in-person worship outweighed any harm caused by restricting religious freedom.

On August 23, the Seoul Metropolitan Government conducted inspections of 56 percent of all churches in the city and found 17 churches among about 3,900 inspected in violation of the prohibition on in-person services.

In March, the government stated the Shincheonji Church had hindered its efforts to contain the spread of COVID-19 in February and launched a criminal investigation into the Church and its leader. Health authorities determined a single individual had infected fellow congregants when that person attended church services twice in Daegu City. The infection spread into the broader community to infect nearly 600 people by late February. Ultimately the KCDA linked approximately 5,200 COVID-19 cases to the outbreak, close to one quarter of the country's total domestic cases through October. In August, authorities indicted Church leader Lee Man-hee on charges of embezzling 5.6 billion won (\$5.15 million) in Church funds and obstructing the government's efforts to control the spread of COVID-19 by failing to comply with government measures and impeding contact tracing. According to the indictment, Lee and other Church officials submitted incomplete or inaccurate membership lists in contravention of the disease control law, notably by refusing to submit national identification numbers of 100,000 members and instructing 50,000 members to submit incorrect dates of birth. Media reported prosecutors also said Church officials submitted incomplete information about Shincheonji Church meetings, omitting 757 meeting places. Authorities arrested Lee in August and released him on bail in November. Shincheonji Church representatives criticized Lee's indictment and detention as "baseless" persecution of the Church.

In January, the NHRCK determined the national examination system for nursing assistants, held twice each year on Saturdays, violated the religious freedom of individuals whose beliefs prevented them from taking the test on those days. A Seventh-day Adventist unable to take the examination on Saturday had filed a complaint with the commission. The NHRCK recommended

an alternate method be provided to accommodate the religious beliefs of those who could not take the test on Saturday.

The Korean Falun Dafa Association said in September that its Shen Yun Performing Arts troupe continued to have difficulty finding venues for its performances during the year. The performances in part contained artistic expressions of the persecution of Falun Gong in China. Korean Falun Dafa Association representatives said they believed Kangwon National University, a public institution in Gangwon Province, did not host a performance in March due to pressure from the Chinese government. According to the Falun Dafa Association, the venue cancelled the event less than two hours before curtain, stating that two COVID-19 cases had been discovered in the city. The Falun Dafa Association said the city of Ulsan's metropolitan culture and arts center also received pressure not to hold a performance, although one ultimately took place in February prior to the COVID-19 outbreak that required cancellation of all planned performances throughout the country.

Voice of America (VOA) reported that on June 5, approximately two dozen local police officers, other government officials, and local residents in Incheon blocked the Seoul-based Christian NGO Voice of the Martyrs Korea from launching 500 containers into the sea to carry rice, vitamins, and Bibles into North Korea. The CEO of Voice of the Martyrs Korea told VOA, "[Police] were stopping the launch on the grounds that the property owner changed his mind and no longer wanted to permit access." Domestic media reported that local residents alerted police to groups launching balloons, leafletting, and attempting to conduct other similar North Korean assistance and informational activities due to concerns that such activities could undermine the safety and security of residents in the area in the face of rising inter-Korean tensions. According to VOA, on June 4, Kim Yo Jong, the sister of North Korean leader Kim Jong Un, criticized groups that conducted such launches and threatened to withdraw from an inter-Korean agreement to reduce military tensions or other cooperation arrangements if South Korea did not prevent such activities. On December 14, the National Assembly amended the Development of Inter-Korean Relations Act to prohibit any scattering of printed materials, goods, money, or other items of value across the border with North Korea without government authorization. Violators faced up to three years' imprisonment or a fine of up to 30 million won (\$27,600).

The MCST disbursed 7.7 billion won (\$7.08 million), compared to 7.5 billion won (\$6.9 million) in 2019, supporting religious and Korean traditional cultural events during the year, including Buddhist, Christian, Cheondogyo, and Confucian activities.

Immigration officials renewed the one-year humanitarian stay status granted to hundreds of predominantly Muslim Yemenis who had arrived on Jeju Island, mostly in 2018. According to the Ministry of Justice, as of June 30, 675 Yemenis resided in Korea with humanitarian stay status, and all applications for renewal of the one-year status had been approved.

Section III. Status of Societal Respect for Religious Freedom

In February, the Pew Research Center published findings on attitudes towards democratic principles, such as regular elections, free speech, and free civil society, as well as religious freedom, in 34 countries, based on interviews it conducted in its *Spring 2019 Global Attitudes Survey*. According to the findings, 45 percent of South Korean respondents considered religious freedom to be “very important,” ranking it among the lowest of their priorities for democratic principles of the nine tested.

Shincheonji Church representatives said Church members experienced discrimination and harassment, including in schools and at workplaces, after the country’s first major outbreak of COVID-19 occurred within the Church community in Daegu in February. In a “letter of appeal” posted on its website on March 4, the Church said there had been approximately 4,000 cases of discrimination against congregants, including some being fired from their jobs and others being abused by their spouses. Major newspapers described Shincheonji Church in derogatory terms such as “shadowy group,” “fringe sect,” and “cult.” A Shincheonji Church advocate said Protestant Christian groups that had tried for decades to have the Church banned because of its success at converting their members treated the group with “aggressive hostility.” One Shincheonji Church member told *The New York Times* in March, “The entire society has gone berserk against our church since the virus outbreak.” Media reported in March that an online petition calling for the Church to be forcibly disbanded received 1.4 million signatures. On March 1, Church leader Lee held a press conference at which he apologized for the Church’s role in spreading the disease.

Media and NGOs reported that Muslims, mostly foreign workers, continued to face religious discrimination. In July, six Uzbeks who had attended an outdoor gathering celebrating Eid al-Adha in North Chungcheong Province tested positive for COVID-19 after the event. Although the other approximately 350 worshippers did not test positive and the group had, according to media, substantially complied with government COVID-19 mitigation measures, some individuals responded to the news by harshly criticizing the group and Muslims in general on social media.

After the country's second major outbreak of COVID-19 began at the Sarang Jeil Church in Seoul in August, some Christians reported experiencing or fearing discrimination when expressing their faith in public. One pastor told media that as a result of social stigma against Christians after the outbreak, he felt self-conscious when praying before eating at restaurants.

Section IV. U.S. Government Policy and Engagement

Embassy officers engaged the government – including the Ministry of Foreign Affairs, MCST, and Ministry of Justice – on religious freedom and tolerance issues, including the religious freedom of Shincheonji Church members.

Embassy officials talked regularly with religious groups, including Protestants, Catholics, and Buddhists, as well as with Jehovah's Witnesses, Muslim, Jewish, Falun Dafa, and other communities, to understand the religious freedom issues important to those groups and underscore the U.S. commitment to religious freedom.

The embassy also highlighted the U.S. commitment to religious freedom via social media. On January 16, the Ambassador posted on Twitter to commemorate National Religious Freedom Day. He called attention to the 1786 Virginia Statute for Religious Freedom, the precursor to the U.S. Constitution's First Amendment, writing, "Freedom of religion is a universal, unalienable right that the USG supports at home and abroad." On International Religious Freedom Day on October 27, the day after the first group of 63 conscientious objectors began their alternative service, he recognized the country's commitment to promoting and protecting religious freedom and commended the government's "efforts to strengthen those protections by providing conscientious objectors an alternative service option."

